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RUEHBJ/AMEMBASSY BEIJING 1296

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RUCNDT/USMISSION USUN NEW YORK 2475

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SENSITIVE

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SUBJECT: KAZAKHSTAN: GOVERNMENT PRESENTS HUMAN RIGHTS ACTION PLAN

REFTEL A: ASTANA 0778

B: ASTANA 1470

¶1. (U) Sensitive but unclassified. Not for public Internet.

¶2. (U) SUMMARY: The government of Kazakhstan presented its National Human Rights Action plan for 2009-2012 on September 9 at a well-attended event in Astana. Generally considered to be a well-prepared, ambitious document, its implementation remains unclear. END SUMMARY.

FINAL HUMAN RIGHTS ACTION PLAN

¶3. (U) On September 9, 2009, the Kazakhstani Presidential Human Rights Commission presented its 2009-2012 "National Plan of Actions in the Area of Human Rights." [See reftel A for a description of the plan.] Government officials, parliamentarians, and representatives of diplomatic missions, international and local organizations attended the presentation. Chairman of the Human Rights Commission Saginbek Tursunov, State Secretary-Minister of Foreign Affairs Kanat Saudabayev, UNDP Resident Coordinator Haolian Shoo, British Ambassador Paul Brummel, Dutch DCM Mauritz ter Kuile and others highlighted the importance of the National Plan for Kazakhstan's further advancement in the area of human rights. The Human Rights Commission also intends to present the National Plan in Almaty, several other Kazakhstani regions, and international forums.

The Plan will be presented at the September OSCE Human Dimension conference in Warsaw.

¶4. (U) While government representatives praised the National Plan as a real success, Constitutional Council Chairman Igor Rogov warned the Human Rights Commission against draft legislation that proposes excessively radical reforms. According to Rogov, the government must thoroughly study and discuss all National Plan recommendations of amendments to existing laws before it undertakes any action. Civil society representatives focused on current problems -- such as the lack of fair trials and independent legal defense, adversarial court proceedings, abuse, and torture -- that the National Plan aims to address.

ZHOVTIS CASE

¶5. (U) Lawyer Vitaly Voronov (who defended Yevgeni Zhovtis during

his recent court trial for vehicular manslaughter [reftel B]) and leader of Human Rights Charter, Zhemis Turmagambetova, both noted serious problems in implementation of Kazakhstani law, citing Zhovtis' court trial as an outrageous example. (NOTE: Speakers particularly highlighted Zhovtis' current situation due to his key role in the development of the Action Plan. END NOTE.) Human Rights Commission Chairman Tursunov replied that the Commission is fully aware of the case and shortly will publicize its statement. He expressed confidence that the judiciary will fairly and objectively handle the case. He reminded participants that the first trial was not the end of the proceedings and hoped that the appellate court will consider all comments.

CIVIL SOCIETY RESPONDS TO PLAN

¶6. (SBU) When asked for comment on the Plan, several NGO leaders could not respond because they had just received a copy, although at least one of them is listed as a member of the Human Rights Commission and should have participated in putting it together. Leader of the Almaty Helsinki Commission, Ninel Fokina (and member of the Human Rights Commission) said that not all recommendations were incorporated into the final text of the document. According to her, its weakest point is its lack of legal power or implementation mechanism. She reported, "The president just read it and approved it. No formal assignments were given to the government." Leader of the Human Rights Charter, Zhemis Turmagambetova, echoed this sentiment, but asserted that "civil society will do its best to get as much done as possible, particularly in the run-up to and during Kazakhstan's OSCE chairmanship, because," he speculated, "after 2010 there will be little interest in human rights issues in Kazakhstan."

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